

III. REMARKS/ARGUMENTS

The Office Action dated December 1, 2005, has been received and carefully considered. Claims 1-20 are pending in the application. Claims 1, 5, 6, 7, 10, 11, 14, 15 and 16 have been amended. No new matter is added by this amendment. Applicants believe that the application is now in condition for allowance and notice thereof is respectfully requested.

Pending Rejections

Claims 1, 5, 6, 7, 10, 11, 14, 15 and 16 stand rejected under section 112, second paragraph. Claims 1 and 10 were amended to positively assert that a display object is rotatably and removably mounted to the shelf assembly. Claims 5, 6, 7, 14 and 16 were amended to clarify that the display objects are not being positively claimed. Claims 1, 5, 6, 7, 10, 11, 14, 15 and 16 have been amended to correct the identified deficiencies and therefore, this rejection is now deemed to be moot.

Claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory (“Gregory”).

Claims 2, 3, 10, 12, 15, 16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over ‘889 Gregory in view of U.S. Patent No. 305,190 to Winter et al (“Winter”).

Claims 8, 9, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over ‘889 Gregory in view of ‘190 to Winter and in further view of U.S. Patent No. 5,165,539 to Peters (“Peters”).

Claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over ‘889 Gregory in view of ‘190 to Winter and in further view of U.S. Patent No. 6,467,745 to Sickels (“Sickels”).

Claims 1, 6 and 7 are not anticipated by Gregory

On pages 4 and 5 of the Office Action Claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Gregory.

Claims 1 and 10 have been amended to recite that “the shelf assembly may be removed without removing a fastener from the assembly”. Removing the wall assembly A and E disclosed in Gregory would require the removal of the four screws from the screw-holes B. The wall mounting assembly A and E disclosed in Gregory does not anticipate a shelf mounting assembly that can be removed without removing a fastener from the assembly.

Gregory does not disclose all of the elements of 1, 6, or 7

Gregory also does not disclose a device being attached to a wall as specified in amended claim 1 of the present application. The specification in Gregory refers to mounting the support on a desk or equivalent eighteen times (lines 15, 16, 21, 42, 98, 100, 101, 102 on Page 1; lines 2, 5, 19, 22, 24, 26, 30, 32, 35, 38 Page 2). On lines 38 and 39 of page 2, the specification in Gregory states “I do not wish to be limited to the exact desk here shown...” Gregory did not disclose a support for typewriters or the like being mounted to anything beyond a work-surface.

Disk N in Gregory does not anticipate the display object mounting assembly in claim 1 or 6 of the present application. The third claim in Gregory describes Disk N as “having holes therethrough for securing the baseboard of a typewriter as shown and described.” (lines 77-79, page 2). The specification in Gregory refers to its supported object as a typewriter, machine or the like nineteen times (lines 11, 12, 16, 20, 80, 86, 92, 93 and 98, page 1; Lines 7, 12, 18, 21, 24, 27, 30, 33, 43 and 44, page 2). Gregory states that its device is directed to “..the broad idea

of providing a swinging bracket and means for adjustably supporting a type-writer or the like thereon..” (lines 41-44, page 2).

Claim 7 of the present application recites “the retrofit bracket comprises at least two sides, a first side being secured to the display object and a second side being secured to the shelf assembly.” Gregory also fails to disclose this feature. Disk N of Gregory has fixed holes P which may not accommodate existing packaging attachment mechanisms. Claim 3 of Gregory describes the holes purpose as “for securing the baseboard of a typewriter as shown and described.” (lines 77-79, page 2). Altering the packaging mechanism of the display object to accommodate Holes P in Gregory would devalue some display objects and remove the utility of a retrofit bracket. Gregory does not disclose the use of a retrofit bracket to adjust to the different packaging attachment mechanisms.

For at least the reasons disclosed above, these claims are allowable over Gregory.

Claims 2, 3, 10, 12, 15 and 16

Claims 2, 3, 10, 12, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over ‘889 Gregory in view of to Winter. Claims 2 and 3 depend on claim 1. As stated above Gregory does not disclose all of the elements of newly amended claim 1. Furthermore the disclosure of Winter does not cure the deficiencies of the disclosure of Gregory. Therefore for at least the reasons stated above the disclosure of claims 2 and 3 are not obvious over Gregory in view of Winter.

Claims 12, 15 and 16 depend on claim 10. As stated above Gregory does not disclose all of the elements of newly amended claim 10. Furthermore the disclosure of Winter does not cure the deficiencies of the disclosure of Gregory.

In regards to claim 3 and 12, the office action has failed to provide a prima facie case of obviousness. There has been no motivation provided for modifying Gregory to provide an assembly for mounting a shelf “at an acute angle with respect to the wall.” Claim 3 is dependent on Claim 1 which recites “display object mounting assembly for removably and rotatably mounting a display object to a first side of the shelf assembly.” The display object mounting assembly would eliminate the motivation to “bias the object displayed towards the mounting surface”(office action Page 6, line 16). Winter discloses a display shelf with no display object mounting assembly or equivalent. The display shelf in Winter may thus require biasing the shelf towards the mounting surface as shown in Figure 3 of Winter. No such motivation exists in the present application. Claim 12 is dependent on Claim 10. Claim 10 recites “display object mounting assembly for mounting a display object to a first side of the shelf assembly.” Claim 12 does not disclose anything which would suggest a motivation to combine Gregory and Winter to provide an assembly to “mount the shelf assembly at an acute angle with respect to the wall”.

Therefore for at least these reasons claims 3 and 12 are not obvious over Gregory in view of Winter.

Claims 8, 9, 17 and 18

Claims 8, 9, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over ‘889 Gregory in view of Winter and in further view of to Peters. Claims 8 and 9 depend on claim 1. As stated above Gregory does not disclose all of the elements of newly amended claim 1. Furthermore the disclosure of Winter and Peters does not cure the deficiencies of the disclosure of Gregory. Therefore for at least the reasons stated above the disclosure of claims 8 and 9 are not obvious over Gregory in view of Winter and Peters.

Claims 17 and 18 depend on claim 10. As stated above Gregory does not disclose all of the elements of newly amended claim 10. Furthermore the disclosure of Winter and Peters does not cure the deficiencies of the disclosure of Gregory. Therefore for at least the reasons stated above the disclosure of claims 17 and 18 are not obvious over Gregory in view of Winter and Peters.

Claims 4 and 13

Claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over '889 Gregory in view of Winter and in further view of Sickels. Claim 4 depends on claim 1. As stated above Gregory does not disclose all of the elements of newly amended claim 1. Furthermore the disclosure of Winter and Sickels does not cure the deficiencies of the disclosure of Gregory. Therefore for at least the reasons stated above the disclosure of claim 4 is not obvious over Gregory in view of Winter and Sickels.

Claim 13 depends on claim 10. As stated above Gregory does not disclose all of the elements of newly amended claim 10. Furthermore the disclosure of Winter and Sickels does not cure the deficiencies of the disclosure of Gregory. Therefore for at least the reasons stated above the disclosure of claims 10 is not obvious over Gregory in view of Winter and Sickels.

Accordingly, Applicants respectfully submit that in view of the above amendment and remarks, all of the pending claims are now allowable over the cited references and request that the instant rejection of claims 1-20 be withdrawn.

V. Conclusion

For the reasons set forth above, it is respectfully submitted that all outstanding rejections have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. Any amendments are supported by the specification. Applicants accordingly submit that these claims are in a condition for allowance. Reconsideration and allowance of all claims is respectfully requested.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

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